

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

ZAIQARIA WALKER, AS THE)
PERSONAL REPRESENTATIVE OF THE)
ESTATE OF DEMARCUS WALKER, SR.,)
DECEASED,)
Plaintiff,)
vs.)
WAL-MART STORES EAST, LP,)
Defendant.)

NOTICE AND PETITION FOR REMOVAL

COMES NOW Defendant, Wal-Mart Stores East, LP (“Walmart”), by counsel, pursuant to Title 28, United States Code, Section 1446, and respectfully petitions the Court as follows:

1. On January 26, 2022, Plaintiff filed a civil action in the Allen Superior Court, Cause No. 02D09-2201-CT-000042, originally captioned *Zaiqaria Walker, as the Personal Representative of the Estate of Demarcus Walker, Sr., Deceased.* Plaintiff's Complaint for Damages alleges generally that Demarcus Walker, Sr. sustained personal injuries at a Walmart store on or about March 7, 2020, that resulted in his death due to the negligence of the Defendant.

2. The Complaint was filed on January 26, 2022. A true and accurate copy of the Complaint for Damages is attached hereto as Exhibit "A".

3. The above-described action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. §1332(a) and is one which may be removed to this Court by the Defendant, pursuant to the provisions of 28 U.S.C. §1441 in that jurisdiction of this action exists in this Court by reason of diversity of citizenship. More specifically, the Plaintiff is

a resident and citizen of the State of Indiana and the Defendant, Wal-Mart Stores East, LP, is a Delaware Limited Partnership, of which WSE Management LLC, a Delaware Limited Liability Company, is the general partner, and WSE Investment, LLC, a Delaware Limited Liability Company, is the limited partner. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, an Arkansas Limited Liability Holding Company with its principal place of business located in the State of Arkansas. Wal-Mart Stores, Inc. is the sole member of Wal-Mart Stores East, LLC. Wal-Mart Stores, Inc. is a Delaware corporation with its principal place of business located in the State of Arkansas.

4. The Defendant has filed a Notice of Filing Petition for Removal contemporaneously herewith in the Allen Superior Court.

5. The amount in controversy in this case exceeds \$75,000.00.

6. Copies of all pleadings and orders filed in the Allen Superior Court are attached as Exhibit "B".

WHEREFORE, Defendant prays that the action above now pending against it in the Allen Superior Court, be removed therefrom to this Court forthwith, and for all other just and proper relief in the premises.

Respectfully submitted,

BARRETT McNAGNY LLP

By: /s/Robert T. Keen, Jr.

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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have this 22nd day of February, 2022, electronically filed the foregoing with the Clerk of the Court using the CM/ECF which sent notification of such filing to the following:

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Attorney for Plaintiff

/s/Robert T. Keen, Jr.

Robert T. Keen, Jr.